



MISSISSIPPI FARM BUREAU FEDERATION

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OW2003-0063-0025

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September 5, 2003

Water Docket
Environmental Protection Agency
Mail Code: 4101T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

SEP 8 2003

Attention: Docket ID No. OW-2003-0063

Dear EPA:

The Mississippi Farm Bureau Federation appreciates the opportunity to provide comments on the Interim Statement and Guidance on Application of Pesticides to Waters of the United States in Compliance with FIFRA as published in the August 13, 2003, Federal Register. The Mississippi Farm Bureau Federation (MFBF) agrees with the Environmental Protection Agency (EPA) in that pesticides are not waste products or pollution, and that no Clean Water Act permit is required to apply pesticides to or over water for controlling mosquitoes, aquatic weeds, or other pests that live in or around wet areas when applied in a manner consistent with FIFRA requirements.

The memorandum published in the Federal Register outlines two sets of pesticide application circumstances in which an NPDES permit would not be needed under the Clean Water Act: 1) The application of pesticides directly to water of the U.S. in order to control pests, and 2) The application of pesticides to control pests that are present over waters of the U.S. that results in a portion of the pesticides being deposited to waters of the U.S. While we agree with these circumstances, the EPA should issue in its final statement and guidance language regarding the application of pesticides in aquacultural settings and agronomic settings.

MFBF feels that EPA leaves open the question of whether properly used pesticides can become pollutants in agricultural and aquacultural application settings by not addressing these specific uses in the interim statement and guidance. By remaining silent on the issue in these areas, the possibility of continued litigation exists. Agricultural producers cannot be unduly burdened by more regulatory and permitting requirements when a pesticide application decision has to be made quickly in order to alleviate the effects of unwanted pests. Private applicators are licensed and continually educated on new technologies and methods to ensure pesticides will perform their intended functions without unreasonable adverse effects on the environment, wildlife, and human health.

EPA must recognize that a minimal amount of drift will occur even when all precautions are taken and weather conditions are excellent. A zero drift policy is unfeasible and nearly unworkable. EPA must exempt agricultural applicators from NPDES permit

requirements when applying in a manner consistent with FIFRA guidelines. Applicators of agricultural pesticides should be held blameless from adverse impacts if the materials are applied in a manner consistent with registered federal and state labeling requirements.

The aquaculture industry also uses pesticides to control organisms such as snails, algae and parasites. The EPA does not address the usage of pesticides in pond aquaculture for the production of aquatic animals in the interim statement and guidance. By remaining silent on the issue, EPA again leaves open the question of whether properly used pesticides can become pollutants in aquacultural application settings. We ask EPA to include in its final statement and guidance language that holds harmless applicators who apply pesticides in aquatic animal production operations when FIFRA and state labeling guidelines are followed.

We appreciate the EPA's effort to limit the scope of permit requirements for public health authorities and natural resource managers under the Clean Water Act. However, these permit requirement limitations should also be explicitly expressed for farmers, ranchers, and private agricultural applicators under the Clean Water Act. The MFBF again appreciates the opportunity to provide comments on this important issue. Should you have any questions regarding these comments, please contact me at 601-977-4248.

Sincerely,

A handwritten signature in black ink that reads "Brent Bailey". The signature is written in a cursive, flowing style.

Brent Bailey
NER Director